

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RICHMOND VENTURES, INC.

Plaintiff,

V.

THE CITY OF HOUSTON

Defendant.

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CIVIL ACTION NO: _____

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Pursuant to Title 28 U.S.C. §§1331 and 1441(a), Defendant The City of Houston (Houston), gives notice of its removal of an action filed against it in the 215th Judicial District Court of Harris County, Texas; to the United States District Court for the Southern District of Texas, Houston Division. In support, Houston respectfully states as follows:

Background

1. On or about July 23, 2015, Plaintiff Richmond Ventures Inc. filed its Original Petition in Cause No. 2015-42637, *Richmond Ventures, Inc. v. The City of Houston*, in the 215th Judicial District Court of Harris County, Texas.
2. The Defendant named in the lawsuit is The City of Houston.
3. Houston was served with this matter on August 18, 2015. This Notice of Removal is timely filed less than thirty (30) days after receipt by Houston of the initial pleading setting forth the claim for relief upon which such action is based.

4. The United States District Court for the Southern District of Texas, Houston Division, is the Federal judicial district encompassing Harris County, Texas. Therefore, the Southern District of Texas, Houston Division, is the appropriate location for a removal from Harris County, Texas, pursuant to 28 U.S.C. § 1441(a).

5. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.

6. The Clerk of the District Court of Harris County was given notice of the filing of the removal. Plaintiff's counsel has been given notice of the filing of the Notice of Removal.

Federal Question Jurisdiction

7. Houston removes this action to Federal Court based on federal question jurisdiction under 28 U.S.C. § 1441(a). The issues presented in this action present substantial questions of federal law, because Plaintiff has expressly alleged antitrust violations under the Sherman Act, 15 U.S.C. § 1, and federal constitutional claims of due process and equal protection. (Original Petition ¶¶ 13 & 19). Removal is therefore proper under section 1441(a).

8. Copies of all pleadings, process, orders and other filings in the state court suit are attached to this notice as required by 28 U.S.C. § 1446(a).

9. Houston has complied with Local Rule 81 by attaching the following documents:

1. An index of the documents being filed (Exhibit 1);
2. All pleadings asserting causes of action (Exhibit 1.1);

3. The state court docket sheet (Exhibit 1.1 A);
4. Executed process and consent by defendant (Exhibit 1.2);
5. A list of all counsel of record, including addresses, telephone numbers and parties represented (Exhibit 1.3);

WHEREFORE, Defendant, The City of Houston hereby gives notice that this action is removed from the 215th Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

DONNA L. EDMUNDSON
City Attorney
JUDITH L. RAMSEY
Chief, General Litigation Section

By: s/ James M. Corbett

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Attorneys for Defendant, The City of Houston

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served in accordance with the *Federal Rules of Civil Procedure*, on this the 17th day of September, 2015, to the following attorney.

Via Electronic Service and/or Certified Mail, rrr

Mr. Kevin Michael Madden
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s/ James M. Corbett
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